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ABSTRACT

The study involving 100 police officers, 75 lawyers, and 35 judges was designed to investigate and analyze the criminal justice system (CJS) personnel's understanding of mental retardation and the mentally retarded (MR) offender. Among findings obtained from responses to questionnaires were the following: 65% of the respondents indicated they understood the concept of mental retardation; 90% indicated that they felt the MR were law-abiding citizens; the populations were evenly split as to whether MR individuals should be held accountable in the same laws as normal individuals; and 84% of the CJS populations indicated an interest in attending a 1-day seminar on mental retardation and the MR offender. Included with the study report are a review of the literature, implications of the results, sample questionnaires and cover letters, and sample questionnaire responses. (SBH)

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ANALYSIS OF THE CRIMINAL JUSTICE PERSONNELS' (POLICE, LAWYERS, JUDGES) UNDERSTANDING OF MENTAL RETARDATION AND OF THE MENTALLY RETARDED OFFENDER[1]

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J.S.
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CHAPTER 1

INTRODUCTION

INTRODUCTION

The mentally retarded (MR) and Criminal Justice System (CJS) have, in the past, and today, come into contact with one another. When this meeting occurs, be it social or professional, what transpires between the parties? Is there a CONFRONTATION? Does a state of CONFUSION develop? Is there an UNDERSTANDING of the handicap? Is there a willingness to COOPERATE to best serve the MR? It is extremely important that those of us working with the MR be aware of which state occurs most often when individuals who are MR and come into contact with the law enforcement agencies. The term CJS as defined by the writer, includes the following professionals: police forces (state and local), lawyers, and judges. It is imperative that these individuals be aware of mental retardation and are cognizant of the characteristics of individuals who are MR.

Today we have more MR people being identified, recognized and served in the community than ever before in the recorded history of mental retardation. Much of this is due to current legislations and litigations that are providing the MR with their basic rights that have been denied them for such a long period of time. Also, the concepts of deinstitutionalization, decentralization and normalization have caused professionals and nonprofessionals in the field of mental retardation to take a hard look at the administrative and programmatic aspects that have been serving the MR up to this time.

In light of much retrospection, the MR have now begun to receive their fair share of privileges and rights that are part of societal pleasures and standards found in the community. This means that they have entered the community and are working, living, and recreating just like those individuals that have not been so labeled, MR.

Because of the new freedoms accorded to the MR, they are more likely

to come into contact with the CJS than before. This is not to infer that the MR will have more contact with the CJS than any other population. However, they will not be exempt from contact with the CJS. Several individuals (Haggerty, 1972; Cortless & Brown, 1971; Blackhurst, 1968) are concerned about what will happen to the retarded once they do come into contact with the CJS, because contact is inevitable. Being cognizant of this, it is encumbant upon us, the educators, and upon the police forces and judicial systems to be aware of mental retardation and how best to serve the MR population.

How much does the CJS know about the MR. Do they know identifying characteristics, do they have the ability to recognize an individual who is MR once they come into contact with him? And, if they do or if they do not, what is their attitude about mental retardation? Is it positive or negative? This will determine to a great extent how the CJS handles an individual who may be MR and might have broken the law. Contained in their understanding of the MR, is the CJS aware of how the MR behave, how he functions, how he thinks, and do they know the MR's abilities and his lack of abilities? These are very important variables, because, if the CJS is not knowledgeable about the MR and do not know that he is an exceptional individual because of limited intellectual functioning, the CJS may apprehend an individual who is MR and cause him to be unduly prosecuted, tried and convicted of a crime that the MR was not guilty of.

Along with how much does the CJS know about the MR citizen comes the question, does the CJS regard the MR as a citizen? What role does the CJS put the MR? Wolfsenberger (1969) has described several roles that the MR has gone through in his historical development today as we know it. These roles can be very easily labeled as: 1) subhuman, 2) an object of pity, 3) a sick person, 4) a menace. All these roles are archaic but still very prevalent in the thinking of uniformed individuals. If the CJS holds any

of these previously mentioned perceptions, this will affect the way they handle, work with and process an individual that might be MR. In all probability, if they hold these concepts to be true, the MR will be mistreated in the eyes of the law, in that he will be judged guilty before he is even given a chance to defend himself. We would hope, however, that the CJS would see the retarded citizen as a developing person. This means that he is a person with all the rights and privileges that you and I have, and is protected by due process rights and the rights provided to us in the constitution.

What are the legal rights of the MR and does the CJS understand these rights? This is a very important question, and one that needs answered. At this point we do not know how informed the police, the lawyers and the courts are about the MR. If they are uniformed, then MR individuals are being sentenced to jail unjustly, or they are being placed in facilities that are not appropriate for either their handicapping condition or the crime they may or may not have committed against society. If the court is informed about mental retardation then the judge will, if the MR is guilty, have several alternatives to a penal colony in placing the retarded individual. The question arises then, how informed are lawyers and judges about mental retardation. According to Haggerty et. al. (1972), lawyers are very uniformed about mental retardation and the MR citizen. They do not know what to look for, they do not know how to handle nor do they know how to defend the individual who is MR. Because of these circumstances a very penetrating question must be asked. Is the mentally retarded individual given his due process rights?

At the same time, does the retarded individual understand the implications and rights assured him by the Miranda vs Arizona case. It is very crucial that the retarded understands this, however, what about the language of the Miranda warning. Is it read to the MR, and if so is he capable of

understanding the concepts inherent in the warning to protect himself against self or false incrimination? It is a well-known fact that MR individuals will try to please individuals he has come in contact with. And, not unlike the rest of society, when MR individuals come into contact with law enforcement agencies there is a certain amount of apprehension and fright that surrounds the situation. The retarded are going to behave the same way as a normal individual. They are going to be nervous, scared and may admit to something, anything which they think will help get them out of the situation they are in. Therefore, the police must know about mental retardation and about the cognitive processes of the retarded so that if an MR individual is apprehended and identified as such, the Miranda warning can be put into language that the MR can understand.

Once the MR individual has committed a crime and is apprehended, what should the police do with him? Should they take him to the police station, to a legal aide office, take him home under parental guidance, take him to an institution for the retarded until trial, or to facility for youthful offenders. These are pertinent questions that are being raised at this time. Current trends seem to be in favor of a youthful offender court that will provide 24-hour service for youthful offenders and afford them a place to go rather than the county or city jail. From this youthful offender court the individual will be sentenced if found guilty or freed if found innocent. And, if he is found guilty he will be sentenced and committed to a facility that will habilitate rather than incarcerate the individual. This facility will take into account the MR individual, his functioning abilities and try to habilitate him to the point where he can come out of the facility and become a useful member of society once again. The retarded are not asking to be above the law, all they are asking is that the law be the same for them as it is for a normal individual.

The CJS is the process designed by the voting population in which

individuals are judged by the laws of their particular society and where the legal rights of the individual and society are protected. This process is supposed to apply to all, the normal as well as the MR. But, is this really the case? Today we have more MR people being identified, recognized, and served in the community than ever before in the recorded history of mental retardation. Much of this is due to current legislation and litigation which are providing the MR with their basic rights. In light of much retrospect, the MR have begun to receive their fair share of privileges and rights which are part of societal pleasures and standards found in the community.

If criminal justice is "the study of the phenomena of crime by those agencies which society has developed to respond to that phenomena" (Morgan, 1977), how does the CJS respond to the "phenomena" of mental retardation and the MR offender?

> Because of new freedoms accorded to them, the MR, they are more likely to come into contact with law enforcement agencies than before. This is not to infer that the mentally retarded will have more contact with the police than any other population. However, they will not be exempt from contact with the police. Several individuals (Haggerty, 1972; Courtless & Brown, 1971; Blackhurst, 1968) are concerned about what will happen to the retarded once they do come into contact with the police, because contact is inevitable. (Schilit, 1977, p. 61)

In a study done by Brown & Courtless (1971) entitled The Mentally Retarded Offender, they concluded that approximately 10% of the prison population at that time fell into the MR category. They used an IQ cutoff of 70 to make their determination. This means, that of the 200,000 prisoners

in correctional facilities in 1971, 20,000 were MR. Comparing this 10% incidence figure of MR offenders to the usual incidence figure used to identify the size of the MR population, namely 3%, one can readily see that based upon incidence, there is a disproportional representation of the MR in the correctional system. According to Ogg (1973), the actual number of MR offenders found in correctional facilities will vary according to the geographic region of the country, with the midwest having as few as 2% of the prisoner population being MR, to the south, where as many as 27% of the prisoners are identified as MR.

How does this happen? Why are there so many MR individuals in the correctional system? Perhaps the answer lies within the CJS and what happens to it when it is confronted with the "phenomana" of mental retardation. The legal system according to Mattina (1977) functions in the following manner: 2 competent lawyers advocate for and against a case; a competent judge presides over the hearing; a competent jury listens to the arguments; a competent forensic psychologist provides input if needed; and from all of the precedings, JUSTICE occurs. However, when mental retardation enters the judicial arena, the system may become INCOMPETENT due to lack of knowledge and expertise and the MR may not be properly served. In other words, the legal rights of the MR, established for all of the citizens, may be abridged.

The MR offender is caught in a "catch 22" situation due to the lack of understanding that pervades the CJS when the "label" of MR is placed upon a defendant. Judges, lawyers, and police officers, the principles of the CJS receive little, if any training in mental retardation either through preservice or in-service training. Therefore, when any one of the parts of the system come into contact with the MR offender, they do not have any precedents to refer to, and consequently, do not know how to proceed.

When a person is arrested by the police, he is read his rights, charged with the crime, and placed in jail. If the arrested person is suspected of

being "different" by any of the principles in the criminal justice system, a forensic psychologist is contacted and asked to evaluate the defendant in order to determine: 1) the competence of the defendant, and 2) did the defendant know the nature and quality of the crime committed. These determinations are usually made by an administration of the WAIS or the Binet and recorded observations of the forensic psychologist. What goes forth to the lawyers and/or judge as a result of the forensic evaluation is an IQ score and a subjective evaluation. The inherent problems in this evaluative process is that in all probability, the forensic psychologist will not be adequately acquainted with the concept of mental retardation nor does he understand the behavior and actions of the MR person he evaluated. In addition, since lawyers and judges are not informed about mental retardation and are not trained in interpreting intellectual evaluations, what they will fix upon is the IQ score. Here is where the "catch 22" situation begins. The principles in the CJS do not know how to plead, defend or decide a case when the offender is MR; therefore, the MR offender "falls through the judicial slots" and is not properly serviced by the system.

The onus for this lack of service cannot, however, be placed entirely on the criminal justice system. The author could not find, through his readings of numerous articles and books on and around this topic, a definition of the Mentally Retarded Offender. The American Association on Mental Deficiency developed a definition of a "mentally defective delinquent" in 1951 as:

> Any person affected with intellectual impairment from birth, or from an early age, to such an extent that he is incapable of managing himself and his affairs; who is charged with, arraigned for, or convicted of a criminal offense; and who for his own welfare, the welfare of others in the community, requires supervision, control,

> or care; and who is not insane or of unsound mind to such an extent as to require his commitment to an institution for the insane. (Blackhurst, 1968, p. 379)

This definition is at best, vague and misleading. It resounds of the technical language used in 1951 and today to define the term mental retardation, and hints at the concept that mentally defective delinquents are best served, for their's and the community's sake, in an institution. Further, it does not distinguish clearly enough the differences between mental retardation and mental illness. If we, the professionals dealing in the area of mental retardation cannot arrive at a definitive definition of an MR offender, how are criminal justice personnel to dispense justice in a fair and equitable manner?

Until a concise definition of the MR offender is developed, and until the CJS becomes aware of and atuned to the MR, a "catch 22" situation will continue with the MR and the MR offender being the constant loser.

Accordingly, the intent of this study was to answer the questions posed in this introduction, and make determinations about the understandings and attitudes of CJS personnel pertinent to mental retardation and the mentally retarded offender.

CHAPTER 2

REVIEW OF THE LITERATURE*

* The author is indebted to Ms. Katherine A. Hughey for her assistance in the preparation of this chapter.

In 1914 Goddard published a boon on the intellectual dimensions of the MR. Since that time there has been a tremendous amount of literature published on intellectual dimensions, the topic of the retarded offender and how they relate to each other. It has yet to be proven conclusively that intelligence level plays a role in criminal or delinquent behavior. During the early part of this center there was an inclination to think of mental retardation, delinquency, and social welfare dependency as inevitably related. In examining much of this literature there seem to be two assumptions. Delinquency and criminality are frequent occurrences in the retarded, are dependent on environmental and family factors, and proper treatment will effectively suppress these acting out behaviors. Another assumption reflected is that although some of the causes of delinquency and criminality of the retarded are known, potential for affective treatment are low (Menolascino, 1974).

In a study done by Allen (1968) there were indications that types of crimes most often committed by the MR were crimes against the person as compared with crimes committed by nonretarded offenders.

It must be kept in mind that this study was carried out mainly in maximum security institutions and the conclusions of this study might be misleading. The observation by Allan (1968) that so many imprisoned MR offenders had committed violent offenses could be misunderstood. This study included many institutions in the south where there has not been much interest until recently in prison reform. If the study had been done in another section of the country, the indications may have been different. This study implied that violent offenses of the MR may be directly related to each other but there were no theories as to why presented (Brown, Courtless, 1967). The proportion of MR who have committed these crimes is inflated by the fact that the retardate is more easily caught, if prone to confess, more likely to be convicted and will probably be imprisoned or in-

stitutionalized longer than the non-retarded offender (Allen, 1968).

When Allen (1968) did his study he was looking for answers to many questions. Some of the questions were:

> Were the offenders being given the opportunity to exercise the right for counsel? Was their competency to stand trial examined? Was he examined and observed by professionals before sentence? Was an investigation of this person done before he was sentenced? What were the judges alternatives upon deciding a course of action? Were all the people concerned with making a decision about this individual aware of his retardation and at what point were they made aware of his mental retardation? (p. 64)

It was discovered that 91% of the MR offenders were represented by a lawyer. In only 40% of the cases was a pre-sentence investigation done on the MR offender and presented to the court. In only 9% of the cases was a question of competency to stand trial raised. In one half of the cases a confession was entered as evidence. There was not one case of an expert psychologist's or psychiatrist's report being submitted to the court as evidence for the defendant (Allen, 1968).

In a seminar, sponsored by the President's Committee on Mental Retardation, the New England Seminar on Retarded Youth and the Law Enforcement Process put into words many of the growing concepts concerning the MR offender. This group consisted of professionals from all over New England who met to "broaden their understanding, to review the law enforcement process as it relates to youth who are retarded, to define issues, discuss solutions and produce alternatives to the present process. (New England Seminar on Retarded Youth and the Law Enforcement Process, 1971, p. 1). This seminar conceded that many times it is difficult for a policeman to tell when a delinquent youth is MR and many times if he does notice that the youth is MR he usually has no one in his area to help him evaluate the offender's problem. In few police departments is there access to professionals who may help the policemen in evaluating the retarded offender (New England Seminar on Retarded Youth and the Law Enforcement Process, 1971).

In his study Allen (1968) also pointed out the higher incidence of mental retardation among the socially, economically and culturally deprived portion of the population. This group also produces a greater proportion of prison inmates than does the general population. This study suggests that mental retardation and crime are more closely related to environmental factors than they are to each other. Additional research must be done before the theories presented in this study can be examined for cause-and-effect relationships (Allen, 1968). It is commonly accepted at this point that environmental factors play a big part in diagnosis of retardation. The scientific classification of the retarded solely on the basis of I.Q. scores is not being practiced as widely as it once was and one would hope not at all. One reason that the scientific classification system came to be questioned in the penal system was the fact that many inmates who came from cultures where verbalization was not considered to be important, showed up on prison records as being mild defectives. This population usually showed no clinical impression of being retarded in interviews (Robitscher, 1969).

Our society has ignored the MR offender until recently. Historically our system has attempted to make the retarded offender fit our conventional law process. They have been grouped with the psychotics, the sexual deviants and professional criminals. It would appear that the MR offender is less likely than the nonretarded offender to know his constitutional rights to legal counsel or his right to refuse to answer incriminating questions. A MR person may be unable to understand police procedures and their consequences. He may be unable to make discriminating decisions in relation to them (Bazelton, 1963). The Miranda warnings are written in a language that even normal citizens may have trouble understanding. What have we done to protect the retarded offender's rights even if a copy of his rights are shown to him and read to him if he does not have the capability to under-

stand them? What if the offender's parent's (if located) are as incapable as the offender? To improve our treatment of the retarded offender, law enforcement groups should be trained from the beginning of their career and continually retarding retardation. This personnel should available to them resource people to assist them at all times (New England Seminar on Retarded Youth and The Law Enforcement Process, 1971).

The President's Task Force on Law Report as reviewed by Bazelton (1963) points out the inadequacies of our system by saying:

> The retarded are particularly vulnerable to an atmosphere of threats and coercion and cooperation. The retarded person may be hard put to distinguish between the fact and the appearance of friendliness..... Some of the retarded are characterized by a desire to please authority: if a confession will please, it may be gladly given.....It is unlikely that a retarded person will see implication or consequences of his statements in the way a person of mental intelligence will. (p. 155)

There is a great variation in the statues that attempt to define delinquent behavior in the MR. The McNaghten test of criminal responsibility, originating in 1843, is generally held applicable to the MR offender widely in this country. Only a few states have improved upon this procedure. In essence the McNaghten Rules say that understanding the nature and quality of the offense and knowledge of right and wrong of the act charged is the test to be applied (Hinble, 1961). The criticisms of using this test are evident. Too much is taken for granted and too much is ambiguous. The human personality is not easily divided into separate sections of reason, emotion and decision (Hinble, 1961). It is almost impossible for a MR person to be brought under the protection of the McNaghten Rules (Brown & Courtless, 1971).

When we begin to examine the subject of the responsibility of the MR for his acts, we must be aware that we are examining an extremely controversial problem. This branch of law has been the subject of tremendous criticism recently (Hinble, 1961). As a whole, most lawyers are unfamiliar

with the legal rights of the MR and because many of them may represent MR offenders, the offender's rights frequently are not protected. The Civil Rights Act of 1964 makes provisions for the MR rights which are applicable to the retarded offender. According to this act the MR person has the rights that all other citizens enjoy and as much as possible, no matter where they are contained, should be treated like other human beings. Most frequently the retarded offender's rights are violated by the ignorance of our judicial systems (Haggerty, Kane, Udall, 1972). If a MR suspect is found to be incompetent to stand trial he may be worse off than if he is tried. If found incompetent in most states this means he will be institutionalized until he is competent to stand trial or "until he is recovered." Since no evidence has yet been found that anyone ever recovers from retardation he may be there for life even if he is innocent. In most areas to this day a plea of retardation is too sophisticated and dangerous to the client to make before a judge and jury who is not enlightened about mental retardation. They may be mainly concerned with the alleged crime and returning a criminal to the community to commit more crimes. An additional factor to be taken into consideration when entering a plea of retardation is the fact that most states simply do not have the facilities to treat such a defendant. The defense lawyer (if you can find one that will represent a retarded person) also has the burden of deciding whether or not to waive the right of trial by jury and letting the judge decide the case. The chance that is taken is whether or not the judge is sensitive and understanding of the problem. Will the judge know anything about mental retardation? Does he know the difference between Mental Illness and Mental Retardation? (Haggerty, Kane, Udall, 1972).

There are isolated instances where informed courts have reexamined their procedures and have ruled sensitively and humanly but these instances are too few although they are increasing. The District of Columbia Court

of Appeals handed down in April, 1976 a decision affecting the MR offender. It ruled that when there is a possibility that mental retardation has impaired the validity of a guilty plea a criminal defendant has a right to a hearing on the sufficiency of that plea (President's Committee on Mental Retardation Message, 1976). If courts were better informed these instances would not be so isolated (Haggerty, Kane, Udall, 1972).

In a publication Beiren 1964, relates that the MR are subject to committing criminal acts just as their intellectually normal counterparts are. It may be that factors other than intellectual ones appear to be more important in determining the causes of such behavior. These factors may be commonly pointed out to be the development of criminal behavior in the general population (Beiren 1964). The inability of some MR individuals to socially adapt by using such skills as concrete thinking and social insight, plus the lack of supervision, may make him more prone to illegal and antisocial acts (Menolascino, 1974). There are prejudicial viewpoints held by a segment of society toward specific behavioral problems. One of these behavioral problems being sexual acts of girls from broken homes or of low socio-economic homes. These acts by the mentally retarded girl result in legal charges of institutionalization usually. The same behavior in a nonretarded individual does not result in the same consequences. A retarded girl exhibiting this behavior is referred to the juvenile court or committed to an institution for the retarded while the nonretarded girl exhibiting this behavior is usually referred to a child guidance clinic (which may be as ineffective) without the legal implication (Menolascino, 1974).

The MR offender is doubly disadvantaged. Because of his mental deficiency he is disadvantaged when it comes to adapting to what society requires of him. When he becomes an offender he becomes rejected by various agencies in the society (Brown, Courtless, 1967). This offending may begin in the public schools at an early age. Piersma (1972) reports that twenty-

five percent of all charges of juvenile delinquency are based on truancy, misbehavior in schools or some other act that the MR juvenile does not conceive as being a violation of law. For the public school system expulsion is the simplest way to deal with the disadvantaged child (Piersma, 1972). In ungentle terms the school system must put up with a child that is both "stupid and bad." (Brown & Courtless, 1968, p. 55) An effort should be made to develop innovative programs which increase the possibility that the behavior problem MR child will have some success in school (Berman, 1975). Research on the incidence of learning disabilities in juvenile delinquents at a Rhode Island training school was recently done by Berman (1975). Results from this study suggest that early, undiagnosed learning disabilities are a significant cause of the kind of life style that results in delinquent behavior. This theory is in direct conflict with a view held for many years by psychoanalytic theorists that delinquent behavior was a result of personality disturbances or social disturbances originating in early childhood. We must determine which delinquent requires which form of treatment, and develop specific treatment programs tailored to meet the needs that are determined (Berman, 1975).

Mental hospitals do not like to accept MR offenders since they are not seen as being mentally ill. Historically institutions for the retarded have been insistent on the removal of delinquent and criminal elements from their population. The only other destination for many retardates is prison where programs for these individuals or non-existent are minimum (Brown, Courtless, 1968).

A five-year study of the District of Columbia's program for the identification and treatment of delinquent juveniles with mental disorders found that the district's child guidance clinic referral model to be ineffective. During a period of May 1969-December 1969 it was discovered that most referrals were made by probation officers who asked only general questions

about the clinic and made poor use of the responses. A solution to this problem might be a screening of emotional disturbances at intake, classification for individualized dispositions, and the matching of each delinquent with his probation officer (Dash, 1971).

One reason there have been so few personality and attitude studies done with the MR subjects is due to inadequate instruments to measure this. Bhagat and Fraser (1970) devised a semantic differential concept to attempt to measure personality and attitudes of the MR offender. The semantic differential in its simplicity, both in presentation and analysis, has shown its potential usefulness with the retarded. This instrument might effectively be used to evaluate the MR offender in a more valid manner (Bhagat, 1970).

Following his study in 1966 Allen and his co-workers recommended as an alternative to our existing judicial treatment of the mentally retarded offender, an "Exceptional Offenders Court." (Allen, 1966, p. 3) This court was to be used as a part of a regional correctional system. It was to be used for the early identification and placement into other community resources of those retarded offenders who need treatment, and for whom traditional full criminal disposition did not appear to be required (Menolascino, 1974).

According to Allen (1968) if an MR offender is actually sentenced to a correctional facility he should be specially handled. He should be classified and diagnosed. His treatment should be geared toward his mental disability and his pre-release and parole planning should be done in consideration of his disability. If an early identification is made of the degree of retardation and emotional problems (if any), the offender's rehabilitation needs may be examined more realistically. The MR offender's treatment should include special education and vocational training so that the offender requires the skills to get along in the outside world. For several years

now the half-way house has served a useful purpose for the released institutional mentally ill person and the MR person. It would seem that the convicted MR offender could use this resource effectively to move back into the community. If the penal system were able to train probation officers to manage retarded offenders with a more humanistic approach that stressed acceptance and hope the MR offender might settle into the community more easily and successfully (Brown, Courtless, 1971).

In a seminar held in August, 1971 the members concluded that the answer to providing facilities for the retarded offender could not be found in our present institutional settings. They purposed group homes, foster care homes and half-way houses, fitted specifically with each individual offender and supported by community resources (New England Seminar on Retarded Youth and The Law Enforcement Process, 1971).

The International League of Societies for the Mentally Handicapped says the individual rights of the retarded are the same as those of any other citizen of the same country, age, family status, working status, etc. They also include the right to receive special training, rehabilitation, guidance and counseling as could strengthen his ability to exercise basic rights within a limited degree. If the police were properly trained to recognize mental retardation there might be fewer arrests, and where arrests were made, efforts would be made more frequently to obtain immediate legal treatment. Recognition at arrest is vital for the following court proceedings and placement when the offender is found to be guilty (Menolascino, 1974).

One of the major obstacles in establishing and improving programs for the retarded offender is the issue of defining the individuals with whom we are working. Brown and Courtless (1971) cite the lack of clear definition and the absence of empirical data on the relationship between antisocial behavior and intelligence as two of the reasons why research must be done

on the current status of the retarded offender.

Menolascino (1974) suggests a classification of the retarded offender. He uses two age-specific categories, each subdivided into behavioral descriptions. The two suggested-chronological and descriptive-behavioral categories are:

1. Mentally Retarded Adolescents and Young Adults
   a. Behavioral Problems: Teenager and young adults referred for the first time; usually the adolescents with IQs of 40 to 80 who are management problems; practicing promiscuous sex behavior, or who lack salable or social skills appropriate to exist in today's complex society.
   b. Consistently antisocial, uncontrolled, or self-destructive behavior: Usually individuals previously in residential services who failed to respond, or those directly from the community with a long history of social offenses.

2. Mentally Retarded Adults
   a. Delinquent/criminal behavior with some community judgment of unsafe or unacceptable conduct: Individuals exhibiting a generally low level of successful socio-educational-vocational experiences prior to admission to an institution or treatment setting. Actual or potential threat for physical assault towards others is documented.
   b. Severe retardation with a history of habitual unacceptable social behavior: Those individuals admitted to an institution because their families or general society can no longer tolerate both their low adaptive abilities and their maladaptive behaviors. Typically, their problem behaviors spill over beyond the abilities of their family, generic agencies, and the community to control, modify, or contain them. (p. 10)

When a community has large numbers of delinquent or socially inadequate retardates it should closely examine environment influences. If we accept the premise that most behavior is learned and that the individuals interrelationships between himself and his environment produce a socially acceptable or inappropriate individual it must be possible to design a system of services that support each other. This system should be preventive as well as therapeutic (Menolascino, 1974).

Menolascino (1974) presents an example as how this system might work

by what he calls the "Structured-Correctional Service." (p. 10) According to Menolascino (1974) this offender would most likely be a physically mature person whose behavior is self-destructive, consistently antisocial and at times uncontrolled or difficult to manage. This service could be managed by mental health or corrections and could establish in a half-way house setting. The facility should be located near community resources such as rehabilitation programs and special education classes if possible. The facility would be limited in number (six to eight people) and contain male or female. Specialized personnel should be installed for individual as well as group work and be suitable for residents to mdoel after. The facility should be geared toward teaching of adaptive social behavior with a highly structured client-staff ratio. This facility would be geared toward short-term to intermediate lengths of residence. The goal would be to cause behavioral change that would be maintained afterwards (Menolascino, 1974).

An educational system appears to be the key in preventing crimes committed by juvenile offenders who grow into adult offenders (New England Seminar on Retarded Youth and The Law Enforcement Process, 1971). Our correctional system and judicial system should continue to be examined and improved so that the basic rights of the MR are protected and met through whatever means necessary (Brown, Courtless, 1971). The MR prisoner should be recognized as such and his confinement be rehabilitative rather than merely custodial (Allen, 1966).

However, this systematic approach to working with the MR offender stands little chance of succeeding until an analysis of the attitudes and understandings of all parties involved with the MR offender is known. Until the CJS is studied and knowledge is gained as to how the personnel in the CJS (Police, Lawyers and Judges) understand and perceive the MR offender and the concept of mental retardation, little can be done to impact on the

. educational systems that prepare the principle parties of the CJS.

CHAPTER 3

PROCEDURES AND DESIGN

The purpose of this study was to investigate and analyze the CJS personnel's understanding of mental retardation and the MR offender. The Principle Investigator (PI) developed three instruments (questionnaires) designed to elicit the understanding and attitude of the three populations that comprise the CJS, i.e., Police, Lawyers and Judges. The instruments were similar in content except for wording changes necessary to make the instrument meaningful to each population. It was the responses to those instruments that yielded the CJS personnel's attitudes and understanding of mental retardation and the MR offender.

SUBJECTS

Three groups of subjects were used in this study. They were: 1) members of the Buffalo Police Department (BPD), 2) Lawyers practicing in Erie County, and 3) presiding judges in Erie County. Each population will be separately described.

Police

Permission was obtained from Buffalo Police Commissioner Thomas Blair to use members of the BPD. The PI was instructed to work with Officer Thomas Fatta in Planning and Operations.

One hundred (100) police officers were used in this study. The officers were chosen via a random sample technique based on population and crime ratio (1976 statistics) for each precinct. Table one presents the number of police officers selected and sent the attitude sampling instrument by precinct.

TABLE 1

Number of Police Officers Used By Precincts

Precinct	Population Percentage*	Crime Ratio Percentage*	Officers Used
3	1	8	8
4	5	6	6
5	9	8	8
6	10	10	10
7	3	4	4
8	6	7	7
9	6	4	5
10	6	7	7
11	7	4	4
12	9	10	10
13	7	6	6
15	8	5	6
16	14	12	12
17	10	6	7
N= 14	N= 101% **	N= 99% **	N= 100

* Percentages rounded to closest whole number

** Rounding Error

Lawyers

The PI selected 75 lawyers for inclusion in this study by randomly selecting two lawyers from each page of the Directory of Community Services in Buffalo and Erie County. This directory lists, in alphabetical order, all practicing lawyers in Buffalo and Erie County.

Judges

The PI selected 35 judges for inclusion in this study by randomly selecting judges from each court listed in the Directory of Community Services in Buffalo and Erie County.

INSTRUMENTS

Using the criteria set forth by Best (1959) the PI developed the questionnaire-type instruments used to conduct this study. Separate questionnaires for the police, lawyers and judges were constructed. Each questionnaire was objective in nature to eliminate as much subjectivity or interpretative bias on the part of the PI as possible. Copies of each questionnaire can be found in Appendixes A, B and C.

The questionnaires were similar in content except for wording changes necessary to make the instrument meaningful to each population sampled. Each questionnaire was comprised of 49 objective-type questions and one subjective response. The instrument was divided into four areas designed to discover certain attitudes and understanding of each population toward mental retardation and the MR offender. The four areas were: I. Historical Background, II. Experiences With And Understanding Of Mental Retardation And The MR Offender, III. Professional Feelings About Mental Retardation And The MR Offender, and IV. Willingness To Learn About Mental Retardation And The MR Offender.

An explanatory letter was attached to each questionnaire sent to the Police, Lawyers and Judges used in this study. The letter informed each of the subjects of the intent of the study and how to complete the questionnaire.

A copy of each letter can be found in Appendix D.

The information gathered by means of these questionnaires was designed to reveal and allow an analysis of the CJS personnel's understanding of mental retardation and of the MR offender.

COLLECTION OF THE DATA

The collection of the data from the lawyers and judges was carried out in a similar manner. The questionnaire and the accompanying explanatory letter was sent to each of the selected subjects via the United States mail. An envelope with the PI's addresses and the correct return postage was enclosed with each questionnaire mailed. The judges and lawyers were instructed to circle their response to each statement directly on the questionnaire. A second mailing was executed after 30 days had elapsed since the original distribution. Only those individuals who did not respond to the first mailing received the second questionnaire. If the subject did not respond to the second mailing, no further attempt was made to obtain his/her input.

The distribution and collection of the questionnaires was carried out in a different manner for the police officers. Each precinct captain received a list of officers selected for inclusion in the study, and a sufficient quantity of questionnaires along with a cover letter from Deputy Police Commissioner Frederick Platek. The cover letter (see Appendix E) instructed the BPD members to cooperate with the intent of the study and to return completed questionnaires to Mr. Thomas Fatta at Police Headquarters. Mr. Fatta, in turn, forwarded the completed questionnaires to the PI. The police officers were also instructed to circle the appropriate response directly on the questionnaire.

Upon receipt of the questionnaires, the PI transferred the circled response onto an IBM M6 data scan answer sheet. A copy of the data scan sheet can be found in Appendix F. Each questionnaire was stamped with

either a P (police), L (lawyer) or a J (judge) at the top right-hand corner to allow for correct population grouping.

ANALYSIS OF THE DATA

For questions 9 through 42, (Sections II Experience With and III Feeling About Mental Retardation And The MR Offender) a Leiter Scale was used. This enabled the subjects to range from Strongly Agree to Strongly Disagree to express their attitudes and understandings of mental retardation and the MR offender. For Sections I (Historical) and IV (Willingless to Learn) a numbered response corresponding to each question in the section was employed.

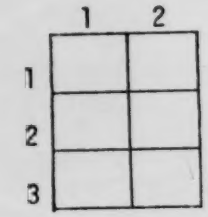
In order to analyze the data, the PI used the computer facilities at the State University College at Buffalo. The Program used was Statistical Package for the Social Sciences (SPSS) by Nil, Hull, Jenkins, Steinbrenner and Bent (1975). The data was transferred from the IBM M6 Data Scan sheets to computer cards by the computer center staff.

The data was interpreted various ways via the SPSS program. Computer runs were made for the following:

1. frequency distribution of responses for the total population.
2. Crosstabulations (contingency table analyses). "A crosstabulation is a joint frequency distribution of cases according to two or ore classificatory variables" (SPSS, p. 218). Crosstabulations were computed on the combined populations (police, lawyers, judges) on questions 6 to 49 by the following independent variable:

STATUS

The results are displayed in table form ranging from a 3 x 2 table to a 3 x 7 table depending upon the number of responses available per each question. In other words, if a question only had two responses, then a 3 x 2 table would appear.



with the 1-2-3 representing the population (1 = police, 2 = lawyers and 3 = judges) and the 1-2 representing the responses (1 = yes, 2 = no).

This analysis of the data allowed the PI to determine what effect the independent variable "status" had upon the responses of each population on each question.

CHAPTER IV

STATISTICAL ANALYSIS AND INTERPRETATION OF DATA

The questionnaire designed by the PI was sent to 210 CJS personnel. A total of 130 CJS personnel returned the instrument to the PI. Table 2 presents a breakdown of the CJS personnel who returned the questionnaire as compared to the total number of questionnaires mailed.

TABLE 2

Number of Questionnaires Sent to and Returned by CJS Personnel (Question 1)

Population	Sent	Returned	%
Police	100	70	70
Lawyers	75	40	53.3
Judges	35	20	57.1
Totals	210	130	61.9

As can be seen by Table 2, a high return rate was achieved within each population that comprise the CJS. Also, a high return rate for the entire CJS canvassed was achieved. According to Best (1959), a return rate of 40% when using a mail-out instrument is considered satisfactory. The PI obtained a return rate of 61.9% from his sample.

The educational levels earned by the populations ranged from a high school degree to a Juris Doctorate. Table 3 presents the educational background of the three groups of professionals within the CJS.

TABLE 3

Educational Background of CJS Personnel (Question 2)

Degree	Police	Lawyers	Judges	Total	%
High School	47			47	36.2
Associate Degree	17			17	13.1
Baccalaureate	6	2	1	9	6.9
Masters		3	1	4	3.1
Doctorate		2		2	1.5
Juris Doctorate		33	18	51	39.2
Totals	70	40	20	130	100

The ages of the CJS personnel ranged from under 25 to over 50. The mean age of the population was 40. Table 4 portrays the ages of the sample populations.

TABLE 4

Ages of the Sample Population (Question 3)

Age	Police	Lawyers	Judges	Total	%
Under 25	4	1		5	3.8
26 - 30	15	6		21	16.2
31 - 36	14	8	1	23	17.7
37 - 40	8	2	1	11	8.5
41 - 45	11	6	1	18	13.8
46 - 50	6	7	3	16	12.3
Over 50	12	10	14	36	27.7
Total	70	40	20	130	100

A question asked of the respondents pertained to the length of time they had been in their profession. It was felt that this information was needed for further analysis of the responses given by the CJS personnel to

questions 6 to 50. Table 5 indicates the time in service to their profession by the three groups that comprise the CJS. The responses ranged from under 5 years to over 26 years of service. The average length of service for the entire population was 11 years.

TABLE 5

Length of Service of CJS Subcomponents (Question 4)

Length	Police	Lawyers	Judges	Totals	%
0 - 5	7	8	6	21	16.2
6 - 10	25	8	5	38	29.2
11 - 15	14	2	5	21	16.2
16 - 20	10	6	3	19	14.6
21 - 25	8	7		15	11.5
Over 26	6	9	1	16	12.3
Totals	70	40	20	130	100

A final variable was the determination of how many of the CJS personnel had received training in the area of mental retardation. Table 6 reflects the results of this investigation.

TABLE 6

Training in vs No Training in Mental Retardation by CJS Personnel (Question 5)

Training	Police	Lawyers	Judges	Total	%
Yes	9	1	2	12	9.2
No	61	39	18	118	90.8
Totals	70	40	20	130	100

As can be seen in Table 6, 90.8% of the sample population had received no training in the area of mental retardation. While this was not an unexpected finding, it is nevertheless one of concern to the PI for the reasons

cited in chapters I and II. Namely, that the MR will and do come into contact with the CJS and due to the lack of awareness by the CJS about MR individuals, the MR suspect or the MR offender might not be adequately served by the system that is designed to protect him.

Table 2 through 6 describe the following characteristics of the populations used: Status (table 2), Educational Level (table 3), Age (table 4), Years of Service to Profession (table 5), and Had They Received Training in Mental Retardation (table 6). As evidenced from this data, a composite of each subcomponent of the CJS can be developed. Table 7 portrays the "modal" Historical background data for each population.

TABLE 7

Composite of Each Population

Status	Police	Lawyer	Judge
Educational Level	High School	Juris Doctorate	Juris Doctorate
Age	30	50	over 50
Years of Service	6 - 10	over 26	0 - 5
Trained in Mental Retardation	no	no	no

Care should be exercised when viewing table 7 in that "modes" and not "means" are indicated.

The PI used the data in tables 2 through 6 (Status) to analyze the remainder of the items on the questionnaires. Questions 6-7-8 were used to ascertain what the CJS personnel knew about incidence and IQ levels pertaining to mental retardation and whether or not they had been involved in a trial of a mentally retarded plaintiff or defendant.

Question 6 dealt with determining which IQ score separated the mentally retarded from the normal individual. Possible responses were: 55, 65, 75, 85, 95, 100, 105. The IQ score that is most often used to make this distinction is 75. Table 8 presents the obtained results from the CJS personnel.

TABLE 8

IQ Scores That Separate Mental Retardation From Normal

Score	55	65	75	85	95	100	105	
Police	22	20	15	9	2	1	1	
Lawyer	11	9	5	14		1		
Judge	4	7	4	3	1	1		
Total	37	36	24	26	3	3	1	130
Percentage	28.4	27.7	18.5	20	2.3	2.3	.8	100

As can be seen in Table 8, 56.1% of the respondents responded low to the IQ questions and 25.1% responded high to this question. That means that only 18.5% of the 130 respondents actually knew what IQ score differentiated mental retardation from normalcy. What the PI could not determine was how many of the 18.5% guessed at this IQ level. The main conclusion that can be drawn from this data is that the CJS personnel perceive the MR to be less capable than they really are.

Question 7 was designed to determine the incidence of mental retardation as viewed by the CJS. Table 9 presents that data.

TABLE 9

Incidence of Mental Retardation

Incidence	3%	6%	9%	12%	13+%
Police	12	20	15	9	14
Lawyer	16	13	4	2	5
Judges	7	2	7	2	2
Total	35	35	26	13	21
Percentages	26.9	26.9	20	10	16.2

The incidence figure for mental retardation is set at 3% of the population. As can be seen from Table 9, 73.1% of the respondents (95) over-

estimated the incidence of mental retardation.

From the responses gathered in questions 6 and 7 (tables 8 and 9) the PI is able to deduce that the CJS personnel covered in this study indicated a general lack of knowledge about mental retardation. It is felt by the PI that this general lack of knowledge contributed to by the fact that of the 130 respondents, only 41 (31.5%) had even been professionally involved with an MR person or an MR offender (see table 10) will influence the manner in which police, lawyers and judges deal with the MR and the MR offender and how they, through their official positions, handle an MR individual or MR offender if contact is made anywhere in the CJS.

TABLE 10

Professional Contact With a Mentally Retarded Person

Contact	Yes	No
Police	19	51
Lawyer	12	28
Judge	10	10
Total	41	89
Percentage	31.5	68.5

It is felt by the PI that based on this data, the MR offender will not receive proper handling in the CJS. This population of citizens is at a definite disadvantage when or if they came into contact with the CJS due to the CJS' lack of knowledge about the population in question.

Appendix G. provides the reader with a complete frequency distribution of responses for the total population for each question (1-49) asked on the questionnaire. Questions 1 to 8 have previously been presented. Questions 9 to 42 are coded as follows based on the Leiter scale used by the PI.

1 = Strongly Agree
2 = Agree
3 = Undecided
4 = Disagree
5 = Strongly Disagree

For Questions 43 to 45, the following numbering system applies:

1 = Murder

2 = Burglary

3 = Assault

4 = Crimes Against Property

5 = Crimes Against Persons

6 = Sexual Assaults

7 = Misdemeanors

For Questions 46 to 49:

1 = Yes

2 = No

Question 50 was an open-ended question inquiring what the respondent would like to know about mental retardation. Representative responses can be found in Appendix I.

Appendix H provides the reader with crosstabulations for each question from 6 to 49. A crosstabulation is a joint frequency distribution of cases according to two or more classificatory variables (SPSS, p. 218). The crosstabulation in Appendix H was done for the variable "STATUS." The results are displayed in table form ranging from a 3 x 2 table to a 3 x 7 table depending upon the number of responses available per each question. Questions 9 to 42 are coded as follows based on the Lecter Scale employed by the PI.

Vertical Numbers

1 = Police

2 = Lawyers

3 = Judges

Horizontal Numbers

1 = Strongly Agree

2 = Agree

3 = Undecided

4 = Disagree

5 = Strongly Disagree

For Questions 43 to 45, the following number system applies:

Vertical Numbers

1 = Police

2 = Lawyers

3 = Judges

Horizontal Numbers

1 = Murder

2 = Burglary

3 = Assault

4 = Crimes Against Property

5 = Crimes Against Persons

6 = Sexual Assaults

7 = Misdemeanors

And, for Questions 46 to 49:

Vertical Numbers

1 = Police

2 = Lawyers

3 = Judges

Horizontal Numbers

1 = Yes

2 = No

Refer to Appendixes A, B, and C for the wording of each question that is statistically presented in Appendixes G and H. Each question is coded in the computer print-out at the upper left corner in the following manner: Q09 to Q49.

General Interpretations and Conclusions for Sections II, III and IV of the Questionnaire (This information will be presented in outline form.)

Section II - Understanding of Mental Retardation and the MR Offender (Q09 to Q15)

1. 65% of the respondents indicated they understood the concept of mental retardation.
2. 97% of the CJS sample realized there was a difference between mental retardation and mental illness.
3. 68% of the population realized that the majority of the MR are not different looking than normal individuals.
4. 72% of the individuals felt the MR should not be kept in institutions for the MR.
5. 90% indicated that they felt the MR were law-abiding citizens.

Conclusion for Section II

The information gatherd in this section contradicts information gleaned in the first section of the questionnaire. Based on the findings in Section II, the CJS realizes that the MR are not all that different than normal individuals in terms of physical appearance, respect for the law and ability to live in the community.

The contradiction arises in that the CJS personnel viewed the MR as less capable than they are in terms of intellectual ability. They also indicated that there were more MR individuals in the society than one would expect to find. These contradictions can be explained by the fact that 91% of the respondents had not received training in the area of mental retardation.

Section III - Professional Feelings About Mental Retardation and the MR Offender (Q16 to Q45)

1. the populations were evenly split as to whether MR individuals should be held accountable in the same laws as normal individuals (yes 39%, no 43%, undecided 18%). The police were more inclined to say "no" than were the lawyers and judges.
2. there was a slight tendency (46%) indicating the MR offender should not be tried similarly to normal individuals.

3. 47% of the individuals felt there should be a special court for MR offenders. The police were more in favor of this than were the lawyers and judges.
4. 65% indicated there should be different sentences for MR and normal offenders.
5. 89% indicated the MR offenders should be sent to the same correctional facility as normal offenders.
6. 40% were undecided whether an MR offender was competent to stand trial.
7. 82% felt the MR offender should be sent to an institution for the MR rather than a prison.
8. 65% felt the MR should not be tried as juvenile offenders.
9. 61% of the respondents indicated a preference for an informal hearing for an MR defendant.
10. 50% felt the MR were more easily led into criminal activity due to their low IQ. 44% disagreed with this position.
11. 79% of the CJS population felt a jury should be informed of the defendant's mental retardation.
12. the populations were evenly split about the validity of an MR suspect's confession.
13. 57% of the population felt the MR offender should be tried on the basis of his mental age.
14. 82% of the CJS indicated an MR person should be forced by the courts to be represented by counsel.
15. Incidence of criminal activity by the MR offender were rank ordered in the following manner:

    a. crimes against property
    b. misdemeanors
    c. crimes against persons
    d. sexual assaults
    e. assaults
    f. burglary
    g. murder

Conclusions for Section III

Several contradictions surfaced in this system. First, criminal accountability of the MR offender was in question. However, it was stated that trial and sentencing should be different for the MR offender. Second, indication was made that the MR offender should be sent to regular correctional facilities. However, similarly, the respondents felt the MR should be segregated from the general prison population and be sent to institutions for the MR rather than prisons. Third, the CJS felt the MR should not be tried as a juvenile offender and then indicated that the MR should be tried on the basis of their mental and not their chronological age.

These findings lead the PI to conclude that while the CJS may have some understanding of mental retardation, they are confused and uncertain as to how to deal with this population in a professional manner. Due to this uncertainty and confusion, the MR offender may become a "victim" of circumstances and one of two situations might arise: 1) he may be inappropriately sentenced and committed, or 2) he may not be punished for his crime against society.

Section IV - Willingness to Learn About Mental Retardation and the MR Offender (Q46 to Q49)

1. 84% of the CJS populations indicated an interest in attending a one-day seminar on mental retardation and the MR offender.
2. 65% felt there should be mandatory training for CJS personnel on the topic of mental retardation.
3. only 14% of the respondents indicated they knew of training programs or colleagues that were trained on the topic of mental retardation.

Conclusions for Section IV

The major conclusion for this section is that the CJS realizes its limitations in the area of mental retardation. Further, strong indication

was made as to the willingness of the CJS sample to learn more about mental retardation and the MR offender.

CHAPTER V

SUMMARY, CONCLUSIONS AND IMPLICATIONS

Summary

This project was designed to analyze the understanding and attitudes of Police, Lawyers and Judges in Erie County pertaining to mental retardation and the mentally retarded offender. The PI developed three questionnaires, one for each population, that were identical in content in order that comparisons could be drawn. The U. S. mail was used to distribute the questionnaires to the populations used. Two mailings were made to the Lawyers and Judges. The Police were handled via internal distribution and collection procedures.

The populations were selected via random sample technique. Questionnaires were sent to 100 police officers, 75 lawyers and 35 judges. A total of 210 questionnaires were mailed. The return rate was 61.9%. A breakdown of the return indicated the following population returns: Police 70%, Lawyers 53.3% and Judges 57.1%.

The information was transferred to IBM M6 data scan sheets and analyzed at the computer facilities at the State University College at Buffalo. Analyses were computed for frequencies and crosstabulations by status.

Conclusions

The conclusions that can be drawn from this study are as follows:

1. Most members of the CJS do not have any formal training in the area of mental retardation.
2. Most members of the CJS underestimated the functional ability of the MR.
3. The CJS personnel overestimated the incidence of mental retardation in the county.
4. Two-thirds of the CJS sample had not had professional contact with an MR person.
5. The majority of the CJS personnel contacted felt they understood the concept of mental retardation.

6. 90% of the CJS personnel felt the MR were law abiding citizens.
7. There was indecision within the CJS as to whether or not the MR should be held accountable for their crimes.
8. According to 89% of the respondents, the MR offender should be sent to the same correctional facilities as normal offenders.
9. The MR offender should not be tried as a juvenile offender.
10. Juries should be fore-warned if their trial involves an MR person.
11. Crimes against property, misdemeanors and crimes against persons were the crimes the CJS personnel thought were most often committed by MR offenders.
12. The majority of the CJS persons contacted indicated an interest in attending a one-day seminar on mental retardation and the MR offender.

There were several contradictions evidenced by the data. These were mainly concerned with:

1. the capability of the MR
2. the incidence of mental retardation
3. criminal accountability
4. the trial and trial procedures
5. correctional placement

These contradictions were discovered by using different questions with the same content design. These contradictions do, however, indicate the primary concerns of individuals in the CJS when they must deal with an MR person or an MR offender.

Implications

The following implications can be drawn from this study:

1. The MR person who comes into contact with the CJS is at a definite disadvantage due to the CJS' unfamiliarity and uncertainty in dealing with the MR.

2. There needs to be pre and in-service education for the CJS personnel on the topic of mental retardation and the MR offender.
3. There needs to be pre and in-service training to special education personnel about the CJS.
4. The mentally retarded need to be trained about the CJS and what to do if they come into contact with the CJS.
5. There is a need for community agencies to begin dealing with this area of concern, i.e., the MR and the CJS.
6. The CJS might need to reorganize itself to establish a system within itself to handle an MR offender.
7. Correctional and habilitative facilities need to be established by the CJS to service the MR offender.

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APPENDIXES

APPENDIX A

Questionnaire for Police

THE MENTALLY RETARDED AND THE CRIMINAL JUSTICE SYSTEM P

I. HISTORICAL BACKGROUND

FOR QUESTIONS 1-8, PLEASE CIRCLE THE APPROPRIATE NUMBER.

1. Professional Status: 1) Police Officer, 2) Lawyer, 3) Judge

2. Educational Level: 1) HS, 2) Assoc. Degree, 3) BS, 4) Masters, 5) Doctorate, 6) JD

3. Age: 1) under 25, 2) 26-30, 3) 31-36, 4) 37-40, 5) 41-45, 6) 46-50, 7) over 50

4. Years on the Police Force: 1) 0-5, 2) 6-10, 3) 11-15, 4) 16-20, 5) 21-25, 6) over 26

5. Have you ever received training in mental retardation? 1) yes 2) no

II. EXPERIENCES WITH, AND UNDERSTANDING OF MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

6. Which IQ score usually divides the mentally retarded from the normal?
1) 55, 2) 65, 3) 75, 4) 85, 5) 95, 6) 100, 7) 105

7. What percentage of the American population is labelled mentally retarded?
1) 3%, 2) 6%, 3) 9%, 4) 12%, 5) over 13%

8. Have you ever been involved in a trial of a mentally retarded plaintiff or defendant? 1) yes 2) no

FOR QUESTIONS 9-43, CIRCLE YOUR RESPONSE USING:
SA = STRONGLY AGREE, A = AGREE, U = UNDECIDED, D = DISAGREE, SD = STRONGLY DISAGREE

9. I understand the concept and meaning of the term mild mental retardation. SA A U D SD

10. There is a difference between mental retardation and mental illness. SA A U D SD

11. Mental retardation is curable. SA A U D SD

12. Most mentally retarded individuals are different looking as compared against normal individuals. SA A U D SD

13. The mentally retarded should be kept in facilities specifically designed for them. SA A U D SD

14. I believe that most mentally retarded individuals are law abiding citizens. SA A U D SD

15. The mentally retarded can live effectively in the community as independent or semi-independent individuals. SA A U D SD

III. PROFESSIONAL FEELINGS ABOUT MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

16. The mentally retarded should be held accountable to the same laws as normal individuals. SA A U D SD

17. If I were the arresting officer of a person who was subsequently evaluated as mentally retarded, in retrospect, I would have changed my actions. SA A U D SD

54

18. The mentally retarded should be tried similarly to normal individuals. SA A U D SD

19. I believe there should be a court that deals specifically with those determined to be mentally retarded. SA A U D SD

20. A mentally retarded person found guilty of a crime should receive the same sentence as a normal individual found guilty of the same crime. SA A U D SD

21. The mentally retarded found guilty of crimes should be sent to the same correctional facilities as normal individuals. SA A U D SD

22. The mentally retarded are competent to stand trial. SA A U D SD

23. The mentally retarded should be sent to institutions for the mentally retarded rather than prisons. SA A U D SD

24. The M'Naghten Rule should apply to the mentally retarded. SA A U D SD

25. The mentally retarded understands the nature of his/her crime, i.e., right/wrong test. SA A U D SD

26. Mentally retarded offenders should be tried as juvenile offenders regardless of their chronological age. SA A U D SD

27. The court should consider the finding of mental retardation the same way it would consider the finding of insanity in that there is no criminal liability of the defendant. SA A U D SD

28. I would prefer to have an informal hearing rather than a formal hearing for a mentally retarded defendant. SA A U D SD

29. As a matter of process, I refer a suspect for a mental examination if I suspect that he/she is not of average intelligence. SA A U D SD

30. Due to low IQs, the mentally retarded are more easily led into criminal ways. SA A U D SD

31. The mentally retarded person understands the nature of his/her crime if found guilty and sentenced. SA A U D SD

32. The "Miranda Warning" should be modified for individuals suspected of being mentally retarded. SA A U D SD

33. If there is to be a trial by jury, the jury should be told of the defendant's mental retardation. SA A U D SD

34. There is a disproportionate number of mentally retarded individuals in correctional facilities as compared against the national percentage of mentally retarded individuals in this country. SA A U D SD

35. The statements and/or confessions of a mentally retarded suspect given at the time of arrest or during interrogation should not be considered as valid documents. SA A U D SD

36. A mentally retarded person should be tried on the basis of his/her mental age. SA A U D SD

37. The family of a mentally retarded offender should be held accountable for the person's crime in terms of restitution regardless of the mentally retarded offender's age. SA A U D SD

38. The mentally retarded are granted the same legal rights as normal individuals. SA A U D SD

39. The mentally retarded should be tried on the basis of their chronological age. SA A U D SD

40. A person suspected of being mentally retarded should be forced by the courts to be represented by counsel regardless of the charge. SA A U D SD

41. Any lawyer could represent a mentally retarded person in court. SA A U D SD

42. An incarcerated mentally retarded individual should be eligible for parole within the same time frame as a normal individual convicted of the same crime. SA A U D SD

FOR QUESTIONS 43-44-45, READ THE FOLLOWING AND LIST IN THEIR ORDER OF PRIORITY YOUR RESPONSES.

Which crimes do you feel the mentally retarded most frequently commit?
1) murder, 2) burglary, 3) assault, 4) crimes against property, 5) crimes against persons, 6) sexual assaults, 7) misdemeanors

43. _____

44. _____

45. _____

IV. WILLINGNESS TO LEARN ABOUT MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

FOR QUESTIONS 47-50, PLEASE CIRCLE THE APPROPPRIATE NUMBER.

46. I would be willing to attend a one day seminar on mental retardation and the mentally retarded offender. 1) yes 2) no

47. Police officers should be required to take a course on mental retardation. 1) yes 2) no

48. I know of police academies that train students in the area of mental retardation. 1) yes 2) no

49. I know of police officers who have received training in mental retardation. 1) yes 2) no

PLACE YOUR RESPONSES TO QUESTION 51 ON THE BACK OF THIS QUESTIONNAIRE. LIST THREE.

50. If I were to attend a seminar on mental retardation and the mentally retarded offender, I would be most interested in the following points:

APPENDIX B

Questionnaire for Lawyers

THE MENTALLY RETARDED AND THE CRIMINAL JUSTICE SYSTEM L

I. HISTORICAL BACKGROUND

FOR QUESTIONS 1-8, PLEASE CIRCLE THE APPROPRIATE NUMBER.

1. Professional Status: 1) Police Officer, 2) Lawyer, 3) Judge

2. Educational Level: 1) HS, 2) Assoc. Degree, 3) BS, 4) Masters, 5) Doctorate, 6) JD

3. Age: 1) under 25, 2) 26-30, 3) 31-36, 4) 37-40, 5) 41-45, 6) 46-50, 7) over 50

4. Years as a Lawyer: 1) 0-5, 2) 6-10, 3) 11-15, 4) 16-20, 5) 21-25, 6) over 26

5. Have you ever received training in mental retardation? 1) yes 2) no

II. EXPERIENCES WITH, AND UNDERSTANDING OF MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

6. Which IQ score usually divides the mentally retarded from the normal?
1) 55, 2) 65, 3) 75, 4) 85, 5) 95, 6) 100, 7) 105

7. What percentage of the American population is labelled mentally retarded?
1) 3%, 2) 6%, 3) 9%, 4) 12%, 5) over 13%

8. Have you ever been involved in a trial of a mentally retarded plaintiff or defendant? 1) yes 2) no

FOR QUESTIONS 9-43, CIRCLE YOUR RESPONSE USING:
SA = STRONGLY AGREE, A = AGREE, U = UNDECIDED, D = DISAGREE, SD = STRONGLY DISAGREE

9. I understand the concept and meaning of the term mild mental retardation. SA A U D SD

10. There is a difference between mental retardation and mental illness. SA A U D SD

11. Mental retardation is curable. SA A U D SD

12. Most mentally retarded individuals are different looking as compared against normal individuals. SA A U D SD

13. The mentally retarded should be kept in facilities specifically designed for them. SA A U D SD

14. I believe that most mentally retarded individuals are law abiding citizens. SA A U D SD

15. The mentally retarded can live effectively in the community as independent or semi-independent individuals. SA A U D SD

III. PROFESSIONAL FEELINGS ABOUT MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

16. The mentally retarded should be held accountable to the same laws as normal individuals. SA A U D SD

17. I could adequately defend/prosecute a mentally retarded person who is on trial. SA A U D SD

58

18. The mentally retarded should be tried similarly to normal individuals. SA A U D SD

19. I believe there should be a court that deals specifically with those determined to be mentally retarded. SA A U D SD

20. A mentally retarded person found guilty of a crime should receive the same sentence as a normal individual found guilty of the same crime. SA A U D SD

21. The mentally retarded found guilty of crimes should be sent to the same correctional facilities as normal individuals. SA A U D SD

22. The mentally retarded are competent to stand trial. SA A U D SD

23. The mentally retarded should be sent to institutions for the mentally retarded rather than prisons. SA A U D SD

24. The M'Naghten Rule should apply to the mentally retarded. SA A U D SD

25. The mentally retarded understands the nature of his/her crime, i.e., right/wrong test. SA A U D SD

26. Mentally retarded offenders should be tried as juvenile offenders regardless of their chronological age. SA A U D SD

27. The court should consider the finding of mental retardation the same way it would consider the finding of insanity in that there is no criminal liability of the defendant. SA A U D SD

28. I would prefer to have an informal hearing rather than a formal hearing for a mentally retarded defendant. SA A U D SD

29. As a matter of process, I refer a client for a mental examination if I suspect that he/she is not of average intelligence. SA A U D SD

30. Due to low IQs, the mentally retarded are more easily led into criminal ways. SA A U D SD

31. The mentally retarded person understands the nature of his/her crime if found guilty and sentenced. SA A U D SD

32. The "Miranda Warning" should be modified for individuals suspected of being mentally retarded. SA A U D SD

33. If there is to be a trial by jury, the jury should be told of the defendant's mental retardation. SA A U D SD

34. There is a disproportionate number of mentally retarded individuals in correctional facilities as compared against the national percentage of mentally retarded individuals in this country. SA A U D SD

35. The statements and/or confessions of a mentally retarded suspect given at the time of arrest or during interrogation should not be considered as valid documents. SA A U D SD

36. A mentally retarded person should be tried on the basis of his/her mental age. SA A U D SD

37. The family of a mentally retarded offender should be held accountable for the person's crime in terms of restitution regardless of the mentally retarded offender's age. SA A U D SD

38. The mentally retarded are granted the same legal rights as normal individuals. SA A U D SD

39. The mentally retarded should be tried on the basis of their chronological age. SA A U D SD

40. A person suspected of being mentally retarded should be forced by the courts to be represented by counsel regardless of the charge. SA A U D SD

41. Any lawyer could represent a mentally retarded person in court. SA A U D SD

42. An incarcerated mentally retarded individual should be eligible for parole within the same time frame as a normal individual convicted of the same crime. SA A U D SD

FOR QUESTIONS 43-44-45, READ THE FOLLOWING AND LIST IN THEIR ORDER OF PRIORITY YOUR RESPONSES.

Which crimes do you feel the mentally retarded most frequently commit?
1) murder, 2) burglary, 3) assault, 4) crimes against property, 5) crimes against persons, 6) sexual assaults, 7) misdemeanors

43. _____

44. _____

45. _____

WILLINGNESS TO LEARN ABOUT MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

FOR QUESTIONS 47-50, PLEASE CIRCLE THE APPROPRIATE NUMBER.

46. I would be willing to attend a one day seminar on mental retardation and the mentally retarded offender. 1) yes 2) no

47. Lawyers should be required to take a course on mental retardation.
1) yes 2) no

48. I know of law schools that train students in the area of mental retardation.
1) yes 2) no

49. I know of lawyers who have received training in mental retardation.
1) yes 2) no

PLACE YOUR RESPONSES TO QUESTION 51 ON THE BACK OF THIS QUESTIONNAIRE. LIST THREE.

50. If I were to attend a seminar on mental retardation and the mentally retarded offender, I would be most interested in the following points:

APPENDIX C

Questionnaire for Judges

THE MENTALLY RETARDED AND THE CRIMINAL JUSTICE SYSTEM J

I. HISTORICAL BACKGROUND

FOR QUESTIONS 1-8, PLEASE CIRCLE THE APPROPRIATE NUMBER.

1. Professional Status: 1) Police Officer, 2) Lawyer, 3) Judge

2. Educational Level: 1) HS, 2) Assoc. Degree, 3) BS, 4) Masters, 5) Doctorate, 6) JD

3. Age: 1) under 25, 2) 26-30, 3) 31-36, 4) 37-40, 5) 41-45, 6) 46-50, 7) over 50

4. Years as a Judge: 1) 0-5, 2) 6-10, 3) 11-15, 4) 16-20, 5) 21-25, 6) over 26

5. Have you ever received training in mental retardation? 1) yes 2) no

II. EXPERIENCES WITH, AND UNDERSTANDING OF MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

6. Which IQ score usually divides the mentally retarded from the normal?
1) 55, 2) 65, 3) 75, 4) 85, 5) 95, 6) 100, 7) 105

7. What percentage of the American population is labelled mentally retarded?
1) 3%, 2) 6%, 3) 9%, 4) 12%, 5) over 13%

8. Have you ever presided over a trial of a mentally retarded plaintiff or defendant? 1) yes 2) no

FOR QUESTIONS 9-43, CIRCLE YOUR RESPONSE USING:
SA = STRONGLY AGREE, A = AGREE, U = UNDECIDED, D = DISAGREE, SD = STRONGLY DISAGREE

9. I understand the concept and meaning of the term mild mental retardation. SA A U D SD

10. There is a difference between mental retardation and mental illness. SA A U D SD

11. Mental retardation is curable. SA A U D SD

12. Most mentally retarded individuals are different looking as compared against normal individuals. SA A U D SD

13. The mentally retarded should be kept in facilities specifically designed for them. SA A U D SD

14. I believe that most mentally retarded individuals are law abiding citizens. SA A U D SD

15. The mentally retarded can live effectively in the community as independent or semi-independent individuals. SA A U D SD

III. PROFESSIONAL FEELINGS ABOUT MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

16. The mentally retarded should be held accountable to the same laws as normal individuals. SA A U D SD

17. I could adequately preside over a trial of a mentally retarded person. SA A U D SD

62

18. The mentally retarded should be tried similarly to normal individuals. SA A U D SD

19. I believe there should be a court that deals specifically with those determined to be mentally retarded. SA A U D SD

20. A mentally retarded person found guilty of a crime should receive the same sentence as a normal individual found guilty of the same crime. SA A U D SD

21. The mentally retarded found guilty of crimes should be sent to the same correctional facilities as normal individuals. SA A U D SD

22. The mentally retarded are competent to stand trial. SA A U D SD

23. The mentally retarded should be sent to institutions for the mentally retarded rather than prisons. SA A U D SD

24. The M'Naghten Rule should apply to the mentally retarded. SA A U D SD

25. The mentally retarded understands the nature of his/her crime, i.e., right/wrong test. SA A U D SD

26. Mentally retarded offenders should be tried as juvenile offenders regardless of their chronological age. SA A U D SD

27. The court should consider the finding of mental retardation the same way it would consider the finding of insanity in that there is no criminal liability of the defendant. SA A U D SD

28. I would prefer to have an informal hearing rather than a formal hearing for a mentally retarded defendant. SA A U D SD

29. As a matter of process, I refer a defendant for a mental examination if I suspect that he/she is not of average intelligence. SA A U D SD

30. Due to low IQs, the mentally retarded are more easily led into criminal ways. SA A U D SD

31. The mentally retarded person understands the nature of his/her crime if found guilty and sentenced. SA A U D SD

32. The "Miranda Warning" should be modified for individuals suspected of being mentally retarded. SA A U D SD

33. If there is to be a trial by jury, the jury should be told of the defendant's mental retardation. SA A U D SD

34. There is a disproportionate number of mentally retarded individuals in correctional facilities as compared against the national percentage of mentally retarded individuals in this country. SA A U D SD

35. The statements and/or confessions of a mentally retarded suspect given at the time of arrest or during interrogation should not be considered as valid documents. SA A U D SD

36. A mentally retarded person should be tried on the basis of his/her mental age. SA A U D SD

37. The family of a mentally retarded offender should be held accountable for the person's crime in terms of restitution regardless of the mentally retarded offender's age. SA A U D SD

38. The mentally retarded are granted the same legal rights as normal individuals. SA A U D SD

39. The mentally retarded should be tried on the basis of their chronological age. SA A U D SD

40. A person suspected of being mentally retarded should be forced by the courts to be represented by counsel regardless of the charge. SA A U D SD

41. Any lawyer could represent a mentally retarded person in court. SA A U D SD

42. An incarcerated mentally retarded individual should be eligible for parole within the same time frame as a normal individual convicted of the same crime. SA A U D SD

FOR QUESTIONS 43-44-45, READ THE FOLLOWING AND LIST IN THEIR ORDER OF PRIORITY YOUR RESPONSES.

Which crimes do you feel the mentally retarded most frequently commit?
1) murder, 2) burglary, 3) assault, 4) crimes against property, 5) crimes against persons, 6) sexual assaults, 7) misdemeanors

43. _____

44. _____

45. _____

WILLINGNESS TO LEARN ABOUT MENTAL RETARDATION AND THE MENTALLY RETARDED OFFENDER

FOR QUESTIONS 47-50, PLEASE CIRCLE THE APPROPRIATE NUMBER.

46. I would be willing to attend a one day seminar on mental retardation and the mentally retarded offender. 1) yes 2) no

47. Judges should be required to take a course on mental retardation.
1) yes 2) no

48. I know of law schools that train students in the area of mental retardation.
1) yes 2) no

49. I know of judges who have received training in mental retardation.
1) yes 2) no

PLACE YOUR RESPONSES TO QUESTION 51 ON THE BACK OF THIS QUESTIONNAIRE. LIST THREE.

50. If I were to attend a seminar on mental retardation and the mentally retarded offender, I would be most interested in the following points:

APPENDIX D

Cover Letters to:

Police

Lawyers

Judges

C5-

STATE UNIVERSITY COLLEGE AT BUFFALO
1300 ELMWOOD AVENUE
BUFFALO, NEW YORK 14222

EXCEPTIONAL CHILDREN EDUCATION DEPARTMENT

TO: Police Officers

FROM: Dr. Jeffrey Schilit
State University College at Buffalo
206 Ketchum Hall
1300 Elmwood Avenue
Buffalo, New York 14222

RE: THE MENTALLY RETARDED AND THE CRIMINAL JUSTICE SYSTEM

I have been awarded a grant by the Center for Urban Problems and Policy, Criminal Justice Department, to study how various segments of the Criminal Justice System understand the concepts of mental retardation and the mentally retarded offender. The populations I have chosen to study are police officers, lawyers and judges.

You have been selected for inclusion in this study through one of two approaches. Some of the participants were selected in cooperation with Mr. Edward Morgan and Dr. George Adoff of the Criminal Justice Department at the State University College at Buffalo; others were selected by means of a random sample from the Buffalo area. It was anticipated that by using this technique, a large representative sample could be canvassed in regard to the topic of this study. Please be assured that all responses will be handled in a manner to guarantee anonymity.

What follows on the next three pages are 51 questions, divided into 4 major sections. Please answer every question as honestly as possible. DO NOT answer the questions by anticipating what I would like to hear, but how you actually feel. All of the questions can and should be answered on the accompanying questionnaire. The answering system is explained for each section on the following pages. If you have any questions concerning the questionnaire or the answering procedures, you can contact me at 862-5220.

Your participation in this study is greatly appreciated. Once you have finished the questionnaire, simply place it in the self-addressed prestamped envelope. If you are interested, I will make a summary of the results available to you if you will enclose your name and mailing address or contact me at a later date.

Again, thank you for taking 15 minutes of your time to assist me in this project.

STATE UNIVERSITY COLLEGE AT BUFFALO
1300 ELMWOOD AVENUE
BUFFALO, NEW YORK 14222

EXCEPTIONAL CHILDREN EDUCATION DEPARTMENT

TO: Lawyers

FROM: Dr. Jeffrey Schilit
State University College at Buffalo
206 Ketchum Hall
1300 Elmwood Avenue
Buffalo, New York 14222

RE: THE MENTALLY RETARDED AND THE CRIMINAL JUSTICE SYSTEM

I have been awarded a grant by the Center for Urban Problems and Policy, Criminal Justice Department, to study how various segments of the Criminal Justice System understand the concepts of mental retardation and the mentally retarded offender. The populations I have chosen to study are police officers, lawyers and judges.

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Again, thank you for taking 15 minutes of your time to assist me in this project.

STATE UNIVERSITY COLLEGE AT BUFFALO
1300 ELMWOOD AVENUE BUFFALO, NEW YORK 14222

EXCEPTIONAL CHILDREN EDUCATION DEPARTMENT

TO: Judges

FROM: Dr. Jeffrey Schilit
State University College at Buffalo
206 Ketchum Hall
1300 Elmwood Avenue
Buffalo, New York 14222

RE: THE MENTALLY RETARDED AND THE CRIMINAL JUSTICE SYSTEM

I have been awarded a grant by the Center for Urban Problems and Policy, Criminal Justice Department, to study how various segments of the Criminal Justice System understand the concepts of mental retardation and the mentally retarded offender. The populations I have chosen to study are police officers, lawyers and judges.

You have been selected for inclusion in this study through one of two approaches. Some of the participants were selected in cooperation with Mr. Edward Morgan and Dr. George Adoff of the Criminal Justice Department at the State University College at Buffalo; others were selected by means of a random sample from the Buffalo area. It was anticipated that by using this technique, a large representative sample could be canvassed in regard to the topic of this study. Please be assured that all responses will be handled in a manner to guarantee anonymity.

What follows on the next three pages are 51 questions, divided into 4 major sections. Please answer every question as honestly as possible. DO NOT answer the questions by anticipating what I would like to hear, but how you actually feel. All of the questions can and should be answered on the accompanying questionnaire. The answering system is explained for each section on the following pages. If you have any questions concerning the questionnaire or the answering procedures, you can contact me at 862-5220.

Your participation in this study is greatly appreciated. Once you have finished the questionnaire, simply place it in the self-addressed prestamped envelope. If you are interested, I will make a summary of the results available to you if you will enclose your name and mailing address or contact me at a later date.

Again, thank you for taking 15 minutes of your time to assist me in this project.

APPENDIX E

Police Cover Letter From

Deputy Police Commissioner

Frederick Platik

BUFFALO POLICE DEPARTMENT INTRA-DEPARTMENTAL CORRESPONDENCE

TO	Hugh J. McGavern Captain, Pct. 4	SUBJECT	DATE 5-23-77
FROM	Frederick J. Platek Deputy Police Commissioner	Survey on Police Attitudes on Mental Retardation and Mentally Retarded Offenders by SUCB	

Dear Captain,

Dr. Jeffrey Schilit of the Exceptional Children Education Department at the State University College at Buffalo is studying how three segments of the criminal justice system, police officers, lawyers and judges, understand the concepts of mental retardation and the mentally retarded offender. We are assisting Dr. Schilit with his study on police attitudes toward mental retardation and the mentally retarded offender by distributing his questionnaire to randomly selected officers in our department.

Please distribute the enclosed cover letters and questionnaires to the officers in your command that are listed below. All questionnaires will be anonymous.

- Please return completed questionnaires to P.O. Thomas J. Fatta, Bureau of Planning and Operations, Rm. 220, HD. (Ignore instructions on cover letter regarding the return of the questionnaire in the self-addressed envelope.)
- When returning questionnaires to Officer Fatta, place in an envelope and indicate the precinct they are coming from.
- If you are unable to distribute the questionnaire to any officer listed below for any reason, please contact Officer Fatta at 389 on the CO phone. He will give you the name of an alternative respondent.
- Return all questionnaires by June 1.

If you have any questions contact Officer Fatta.

Please express Dr. Schilit's appreciation to the officers for their assistance in completing the survey.

The officers to be given the questionnaire are:

Robert B. Collier
John C. Eberhart Jr.
Joseph D. Kelly
Ronald A. Miserantino
William J. Smith
Arnold G. Walker

Thank you for your cooperation in this endeavor.

Sincerely,

Frederick J. Platek

FREDERICK J. PLATEK
Deputy Police Commissioner

Encls.

APPENDIX F

IBM M6 Data

Scan Answer Sheet

QUESTION NUMBER	RESPONSE NUMBER									
1.	0	1	2	3	4	5	6	7	8	9
2.	0	1	2	3	4	5	6	7	8	9
3.	0	1	2	3	4	5	6	7	8	9
4.	0	1	2	3	4	5	6	7	8	9
5.	0	1	2	3	4	5	6	7	8	9
6.	0	1	2	3	4	5	6	7	8	9
7.	0	1	2	3	4	5	6	7	8	9
8.	0	1	2	3	4	5	6	7	8	9
9.	0	1	2	3	4	5	6	7	8	9
10.	0	1	2	3	4	5	6	7	8	9
11.	0	1	2	3	4	5	6	7	8	9
12.	0	1	2	3	4	5	6	7	8	9
13.	0	1	2	3	4	5	6	7	8	9
14.	0	1	2	3	4	5	6	7	8	9
15.	0	1	2	3	4	5	6	7	8	9
16.	0	1	2	3	4	5	6	7	8	9
17.	0	1	2	3	4	5	6	7	8	9
18.	0	1	2	3	4	5	6	7	8	9
19.	0	1	2	3	4	5	6	7	8	9
20.	0	1	2	3	4	5	6	7	8	9
21.	0	1	2	3	4	5	6	7	8	9
22.	0	1	2	3	4	5	6	7	8	9
23.	0	1	2	3	4	5	6	7	8	9
24.	0	1	2	3	4	5	6	7	8	9
25.	0	1	2	3	4	5	6	7	8	9
26.	0	1	2	3	4	5	6	7	8	9
27.	0	1	2	3	4	5	6	7	8	9
28.	0	1	2	3	4	5	6	7	8	9
29.	0	1	2	3	4	5	6	7	8	9
30.	0	1	2	3	4	5	6	7	8	9
31.	0	1	2	3	4	5	6	7	8	9
32.	0	1	2	3	4	5	6	7	8	9
33.	0	1	2	3	4	5	6	7	8	9
34.	0	1	2	3	4	5	6	7	8	9
35.	0	1	2	3	4	5	6	7	8	9
36.	0	1	2	3	4	5	6	7	8	9
37.	0	1	2	3	4	5	6	7	8	9
38.	0	1	2	3	4	5	6	7	8	9
39.	0	1	2	3	4	5	6	7	8	9
40.	0	1	2	3	4	5	6	7	8	9
41.	0	1	2	3	4	5	6	7	8	9
42.	0	1	2	3	4	5	6	7	8	9
43.	0	1	2	3	4	5	6	7	8	9
44.	0	1	2	3	4	5	6	7	8	9
45.	0	1	2	3	4	5	6	7	8	9
46.	0	1	2	3	4	5	6	7	8	9
47.	0	1	2	3	4	5	6	7	8	9
48.	0	1	2	3	4	5	6	7	8	9
49.	0	1	2	3	4	5	6	7	8	9
50.	0	1	2	3	4	5	6	7	8	9

IBM 46-0741

APPENDIX I

Sample Subjective Responses to Q50

The following are points of interest and concern raised by the CJS personnel surveyed.

Police

How to communicate with an MR person

Types of treatment

General information about mental retardation

How to recognize an MR person

The law and the MR

Diagnostic procedures

Current efforts of the CJS to deal with the MR

Placement of an MR offender

What can a police officer do to help

Community agencies dealing with mental retardation

How to deal with an MR person

Lawyers

Definitions

How to change the laws to assist the MR

Agencies to use for referral

General information on mental retardation

Diagnostic procedures

Possible training programs

Causation

How to communicate with the MR

Criminal responsibility

How to defend an MR offender

Medical explanation of mental retardation

Judges

Best type of sentence

Long-range prognosis

Judges (con't)

Treatment programs

Diagnostic facilities

Community resources

Do the MR comprehend the nature of their crime

Definitions